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Negotiating the Ethics of Care and Justice

Ernestine K. Enomoto

This article explores the competing demands imposed by the ethics of care and justice in an urban high school. Beginning with theoretical constructs of each ethic, the author contrasts care and justice as ideal types and discusses the tensions in educational administration around negotiating the two ethics. Presenting the specific case of a multiethnic urban high school grappling with attendance and truancy problems, the author describes the various perspectives of students, teachers, administrators, and staff members with respect to their school as caregiving and justice seeking. The findings of the study suggest that school members negotiate, rather than reconcile, the ethics of care and justice in actual practice.

More than a decade ago, Carol Gilligan (1982) challenged Kohlberg's ethic of justice that outlined six stages of moral development placing at the highest stage, "morality with justice (fairness, rights, the Golden Rule) with the recognition of the rights of others as these are defined naturally and intrinsically" (Kohlberg, 1973, as cited in Gilligan, 1982, p. 20). Gilligan argued that Kohlberg had derived his theory on the basis of a study exclusively of men, thus excluding alternative perspectives of moral conduct and resulting in women appearing to be deficient in their moral development.

Countering these stages of development, Gilligan proposed an "ethic of care" that conceptualizes moral maturity as the caring for and sensitivity to the needs of others. "This conception of morality as concerned with the activity of care centers moral development around the understanding of responsibility and relationships, just as the conception of morality as fairness

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ties moral development to the understanding of rights and rules" (Gilligan, 1982, p. 19). The emphasis on responsibility and relationships, rather than on rights and rules, distinguished the ethic of care from that of justice. Gilligan argued that the two ethics could not be applied simultaneously and that a fundamental shift was needed, away from the traditional justice perspective to that of care and compassion.

By contrast, other scholars maintain that both ethics need to be incorporated when making moral judgments and building ethical school communities. Jos and Hines (1993) contend that the two ethics cannot be clearly distinguished from each other. There could be no care (i.e., concern for others) without justice (i.e., respect of human rights and consistent treatment). Similarly, there could be no justice in abstraction without regard for particular others as noted by an ethic of care. Starratt (1991) proposes that to build an ethical school, administrators need to draw on both care and justice as well as add a third ethic, that of critique, which would question the status quo and advocate for greater equity in schools.

The question examined in this article is how members of one school apply the ethics of care and justice in actual practice. The article is organized as follows: A contrast is first made between the ideal types of each ethic, and the tensions in reconciling both ethics are discussed. Next, the specific case is presented, introducing the reader to a multiethnic urban high school, which is the focus of the study. The data collection and analysis are also described in this section. Organized in quadrants, the findings detail the various member perspectives on their school as caring and as justice seeking. In the concluding section, possible strategies for reconciling the two ethics and managing their competing demands are discussed.

THEORETICAL CONSTRUCTS OF CARE AND JUSTICE

Gilligan conceptualizes the ethic of care as a gendered construct, beginning with the premise that women see and experience the world differently from men. Their life experiences are understood within a web of relationships, where "women depict ongoing attachment as the path that leads to maturity" (Gilligan, 1982, p. 170). The relationship of self and other forms the basis for interacting with the world. Beyond a strictly personal and intimate connection with other, such a relationship extends into the realm of social responsibility and morality.

Kohlberg articulates the ethic of justice as universal, assuming that the way men see the world is the norm. Rather than emphasize attachment, a male perspective strives for individuation and separation.

TABLE 1
Contrasts Between Care and Justice

<i>Ethic of Care</i>	<i>Ethic of Justice</i>
Private	Public
Care and compassion	Impartial rationality
Understanding of others	Agreement on applicable principles
Sensitivity to context	Abstract from particular situation
Nurture relationships	Respect for individual rights
Responsibility to others	Accountability to moral law

SOURCE: Jos and Hines (1993), p. 377. Copyright © 1993 by Sage Publications, Inc.

Instead of attachment, individual achievement rivets the male imagination and great ideas or distinctive activity defines the standard of self assessment and success. Thus, the sequential ordering of identity and intimacy in the transition from adolescence to adulthood better fits the development of men than it does the development of women. (Gilligan, 1982, p. 163)

Along with autonomy and individuation goes the respect for individual rights, which form the basis for regulating social relationships. As Callan (1992) suggests, the respect and regard for such rights have sustained efforts to counter racism, sexism, and other forms of oppression.

In contrasting the two ethics, Jos and Hines (1993) note six differences (see Table 1). First, the domain of care might be thought of as the intimate relationship of self and other, a private domain; in contrast, the domain of justice is identified with the social or communal, thus a public domain. The contrast between private and public domains suggests legitimacy as well as location. That is, what occurs in the public arena is deemed more important and holds more credibility than what might occur informally between intimates in a private space.

The second difference between the two ethics highlights the nature of each one. The ethic of care emphasizes care and compassion, valuing a person's feelings and emotions, particularly those of love, joy, and generosity of spirit. The ethic of justice emphasizes human rationality and reasoning, placing more credence on disciplined inquiry and rational thinking than on emotions. This might be thought of as a split of heart (emotion/care) and head (reason/justice).

Third are the different rationales for making moral decisions. The ethic of care values understanding the other person's perspective when deciding on moral actions. The ethic of justice considers the application of universal principles to moral decisions. Whereas care maintains an uncritical view of other and other's needs, justice presumes a standard of rights and offers

guiding principles of universalism, impartiality, and individual rights (Kohlberg, 1981). Gilligan argues that justice is touted to be superior to caring because it affirms one's rights over relationships. Moreover, as caring is equated with women's concerns, it appears as a feminine weakness rather than a human strength (Gilligan, 1982, p. 17).

The fourth difference deals with the context of a given situation. The ethic of care considers the specific context within which judgments are rendered. Rather than applying moral principles generally, one deliberates on the particular individuals within a specific circumstance to offer a moral decision. Nurturing and sustaining relationships are considered primary in such deliberation.

Moral problems are embedded in a contextual frame that eludes abstract, deductive reasoning; making moral decisions requires not a deductive employment of general principles, but a strategy that aims to maintain ties where possible, without sacrificing the integrity of self. (Kittay & Meyers, 1987, p. 7)

In contrast, the ethic of justice applies the general principle to the specific situation. Here, context is not as meaningful in understanding a fair solution; rather, the general principle or law provides guidance for ethical decision making in the specific situation.

The fifth and sixth differences between the two ethics deal with purpose and orientation. The ethic of care is oriented toward the nurturing of relationships and emphasizes one's responsibility to others. According to Noddings (1984), "we all bear a responsibility for the ethical perfection of others" (Noddings, 1984, p. 171). The ethic of justice, on the other hand, is oriented toward rights, with emphasis on responsibility to respect the legally defined rights of others. In other words, the orientation toward responsibility to other in the ethic of care might be redefined as an orientation toward accountability to rights in the ethic of justice.

TENSIONS IN RECONCILING THE ETHICS

There are at least six fundamental distinctions between the two ethics that would have to be reconciled if care and justice are to be combined. Assuming that we wish to examine a school's perspective on such a reconciliation, these questions would be considered. First, what is the appropriate domain of a school? Is it to be considered a private or public domain? Might one or the other be preferred and why? Second, what is the nature of a school? Should it be considered a "web of relationships" as denoted by an ethic of care? Should it be considered an organizational hierarchy or perhaps a court of law?

Or asked in another manner, where are the places of heart and head in schools? Third, on what basis should ethical decisions be rendered? What should be taken into account? How should relationships and/or rights be used to guide moral decision making? Fourth, does a specific context and particular individuals factor into one's decision making in a school setting? How should general rules and regulations be applied to specific situations? Fifth, are schools oriented toward nurturing relationships or respecting individual rights? Finally, should responsibility to others be valued over accountability to law or vice versa?

Educational administrators are more apt to rely on the ethic of justice because of its emphasis on universal principles and consistent treatment. "Public administration's emphasis on the importance of impartially applying binding rules and on decisions based on universalistic criteria of merit would seem to make the justice perspective an especially relevant moral framework for administrators" (Jos & Hines, 1993, p. 380). But as Gilligan and others have argued, such rules have been established on the basis of the "universality of a particular reference point" (Minnow, 1990, p. 194). If alternative views are not included in the rights and rules, how "universal" are such rights and rules?

A second reason for relying on the ethic of justice is the argument that a justice perspective is better at negotiating individual differences within the community. Starratt (1991) suggests that an ethic of justice informs how we govern ourselves while carrying out educational activities; "we treat each other according to some standard of justice that is uniformly applied to all our relationships" (p. 191). Other scholars, however, point to the limitations of an impartial and, thus, incomplete and inadequate sense of justice. Goodlad, Soder, and Sirotnik (1990); Lightfoot (1983); and Sergiovanni (1987, 1992) emphasize that "genuinely effective administrators will consider both the subjective and objective dimensions and will formulate responses that recognize personal needs and situational and contextual demands as well as more overarching rules or principles" (Beck, 1992, p. 458).

A third reason that educational administrators ostensibly rely on the ethic of justice is that they maintain rather than challenge the status quo. If care and justice are to be integrated in a meaningful way in schools, this reconciliation cannot be done by simply interjecting caring within a legalistically structured school system. The organizational structure might need to be examined and perhaps reoriented more fundamentally with a philosophical grounding in care and human relationships. This structural reorganization might be more challenging than desired by school administrators.

In the following section, I proceed to examine a reconciliation of the two ethics in actual practice at an urban high school dealing with attendance

problems. Using the theoretical frames for care and justice, I consider how school members interpret the ethics in practice, specifically related to attendance concerns and dealing with truancy in their school.

CASE STUDY OF RIVERA HIGH SCHOOL

The study is of Rivera High,¹ a multiethnic urban high school located in a midwestern metropolis and serving about 1,200 students in Grades 9 through 12.² Drawn from at least 15 nationality backgrounds, the student body has been called a "United Nations" with one third African Americans, one third Euro-Americans, and one third of Hispanic background. Most of the students attending Rivera come from adjacent urban neighborhoods including a section called "Mexican" town because residents come primarily from the southwestern United States, Mexico, Puerto Rico, Cuba, and several Central American countries. There is a distinctive ethnic community, Hispanic in flavor but accommodating many different ethnic subgroups including Hungarian, French-Canadian, Polish, and Arabic as well.

This multiethnic student composition is unique in the metropolitan school district. Few schools in the district have such a mixture of minorities, and Rivera High has the largest Hispanic high school population in the city. A nearby high school also has a multiethnic student population but with fewer Hispanics and more Arabic-speaking students. Rivera boasts of its well-established bilingual program with more Hispanic teachers and administrators. The school asserts that its uniqueness "gives Rivera spirit its character" and a philosophy emphasizing both social and academic development for students "to develop ethnically and culturally" (Rivera Student Handbook as cited in Enomoto, 1993).

However, Rivera High is not without its problems: a declining student enrollment, low academic performance on the minimum competency examination, chronic absenteeism, and in-school truancy. As part of a state-mandated school accreditation review, Rivera administrators and faculty were asked to respond to these concerns.³ In addition to curriculum improvement strategies, they identified two nonacademic areas for improvement. One of these areas was attendance, focusing on the increase in chronic truancy and in-school truancy. A subcommittee of faculty was constituted by the principal to address these problems and to suggest policy reform. It was this action that initially brought the researcher into the high school to study attendance concerns.

RESEARCH METHODOLOGY

Through my university affiliation with the state accreditation agency, I made initial contact with Rivera High faculty and staff in the spring of 1991.⁴ For the school year 1991-1992, I was a participant-observer, volunteering in the attendance office and attending meetings of the faculty subcommittee. I conducted formal and informal, individual and group interviews with students in all four grade levels, faculty and staff in all departments, including administrators, counselors, clerical staff, aides, and parent volunteers. I attempted to be as comprehensive as possible but did not interview every member in Rivera, retaining a focus on those immediately concerned with the attendance office and on the subcommittee. I obtained school documentation including histories, policies, publications, and district and state reports. For direction in the data collection and analysis process, I drew heavily on ethnographic research techniques (Erickson, 1984, 1987; Geertz, 1973; Glaser & Strauss, 1967; Taylor & Bogdan, 1984; Wolcott, 1975).

To analyze the data, I began by categorizing information and identifying recurring patterns and themes generated on attendance and truancy from different aspects of the school (the main office, the attendance office, departments, classrooms, etc.) and from different groups (administrators, teachers, staff, and students). Next, I used these recurring patterns to generate more data about in-school truants, school policies, strategies to address attendance concerns, and so on. "Throughout participant observation, in-depth interviewing, and other qualitative research, researchers keep track of emerging themes read through their field notes or transcripts, and develop concepts and propositions to begin to make sense of their data" (Taylor & Bogdan, 1984, p. 128). Recording primary data sources as much as possible, I sought to identify the members' interpretation and explanation of events and actions occurring in the attendance office, assuming that contradictions among these data would highlight the difference between idealized and actual, between what is said and what is done, between what is perceived and what is enacted.

The data analysis phase consisted of a series of preliminary reports and feedback from participants. There were several benefits from this process. Not only did I gain a sense of key issues and questions raised by the informants, I was able to clarify different perspectives (e.g., teachers in contrast with counselors) in response to the reports. I heard about what people thought, what they found interesting, what they felt was lacking, and what more could be done. Ultimately, my aim during the study was "sense making" of school members' viewpoints and rationale.

TABLE 2
Quadrant Depicting Care and Justice

Area 1: justice, not care	Area 2: care, not justice
Area 3: not care, not justice	Area 4: care and justice together

In this article, analysis is restricted to the themes of care and justice, using the Greimas’ semiotic squares model.⁵ The model assumes that there is opposition between the two concepts, which in this case were the ethics of care and justice. According to Greimas (1987), if the concepts are contradictory, then the opposites would resemble each other. That is, care would imply “not justice” and justice would imply “not care.” The more the concept of care is emphasized, the less will the concept of justice be emphasized and vice versa. Tensions between the two concepts and between their opposites could be highlighted in this manner. Applying the model, I analyzed the Rivera data according to what each concept implies and expresses, beginning with the differences between care and justice suggested by the literature.

In presenting my findings, I identify four possible relationships of the ethics depicted in a quadrant (Table 2). In each of the four areas, I describe what school members intend in contrast with what they actually do. In the first quadrant area, the ethic of justice is emphasized rather than the ethic of care. The reverse occurs in Area 2, where care, rather than justice, is stressed. In Area 3, the relationship between the two ethics is ad hoc, with neither care nor justice emphasized. The fourth area is a relationship where both ethics are incorporated and reconciliation is intended.

ONE SCHOOL, TWO ETHICS

Area 1—Justice, Not Care

Officially, Rivera’s attendance office staff members implement the district’s attendance policy and ensure consistent action toward truants (School District Code of Student Conduct, 1990, as cited in Enomoto, 1993). Staff members are charged with specific duties, namely, issuing disciplinary actions on students; notifying parents, teachers, counselors, and other administrators of persistent absenteeism and truancy; and maintaining school as well as central office records on student attendance. In addition, office staff members may recommend long-term suspensions or administrative transfers for chronic absence. They offer support services to probationary students and complete reports for judiciary subpoenas regarding attendance. All of these

duties are part of the office's responsibility to the school and its administrative function within the district system. By administering its duties, the attendance office maintains fairness and justice at Rivera.

For their part in supporting the attendance policy, teachers are expected to notify the attendance office of those who are tardy, absent, or chronically truant. The most frequently used reporting mechanism to do this is by ticketing student offenders who are enrolled but do not show up for classes. But of the 65 teachers at Rivera, less than half (28 teachers) wrote tickets on a regular basis.

Students, in turn, are expected to attend classes regularly. In the course of a school day, they generally carry six classes per term, changing classrooms at the end of each hour and moving from one teacher to another. They are aware that skipping class or missing school is a violation of a school district rule for which they can be punished.

The intent of this quadrant area is justice, emphasizing order and stability through the consistent enforcement of school policies. Responsibility is placed on the administration to set institutional controls and offer leadership, but there is also responsibility on the teachers and students to comply with the rules or suffer the consequences of their actions. Justice implies that members are entitled to consistent and equal treatment where all are dealt with in the same manner and there is "equal treatment under the law." Moreover, it is assumed that all members expect and appreciate this consistent action.

In actual practice, the attendance office was more oriented toward caregiving. The dean of students as administrator of attendance viewed her dilemma as being student oriented and caregiving while still operating in a bureaucratic and justice-seeking manner. Interestingly, the contradiction was often alleviated by her absence from the office. The staff operated independently when the dean was absent, usually interpreting attendance policy in favor of the student and allowing him or her to return to class, sometimes without punishment. In this way, the staff could act in the spirit of the office, namely, as a caring place where students were the priority. As staff members were mostly parent volunteers and did not hold any official title, they did not suffer ramifications if their actions were deemed inappropriate.

But this orientation toward caregiving left a vacuum in terms of disciplinary actions toward truants and tardy students. To reconcile their sense of duty and consistency, some teachers defined what could be done within the boundaries of their classrooms, ignoring what occurred outside. Many teachers developed elaborate attendance strategies to engage student participation such as bonus points, free time, pizza parties, incentive field trips, and so on.

They did what worked for students and minimally what was required by the administration. In the words of one teacher, "I deal with it 'hands on.' "

This action was only partially successful because attendance paperwork could not be avoided. Teachers were required to submit at least weekly class attendance data to the district's computer bank, and the inconsistencies in attendance data became a cause of friction among teachers. According to one teacher,

Some teachers have their own policies. Everyone's doing their own thing and that's frustrating for teachers. My colleague's not doing so and so. The student gets frustrated too because there are six teachers and each with his or her own thing. The majority does it however.

For the students, the lack of consistent action on the part of the administration and teachers meant that they were able to take advantage of the situation. "Running a con" is how one teacher described this action. "Some kids are telling me a line," reported an attendance office staffer. Students are able to take advantage of the system because they are not caught by teachers and administrators or because they manage to fool the attendance office staff. However, from the perspective of the students, their actions are viewed as alternative choices, for example, just "hanging out," creating their own breaks in the school day, seeking vacations from the routine, and enjoying the weather outside the classroom.

In summary, the official function of the attendance office made it appropriately a justice-seeking agent of the school system. But the dean and her staff chose to orient themselves toward caregiving rather than operate as strictly disciplinarians, which placed teachers in charge of their own attendance and truancy problems. Some teachers objected, but most dealt with it on their own terms and within their own classrooms. Similarly, students took advantage of the situation in creative and unconventional ways.

Area 2—Care, Not Justice

Rivera as caregiving was exemplified in the attendance office's emphasis on student needs. The administrator's title was "dean of students" and her philosophy was to place "kids as priority" over paperwork. She believed in maintaining an office where "we listen to youngsters" and "we hear them out." The dean emphasized responding by creating alternatives to serve students, increasing the comfort level in the office, and building trust between students and staff. Of less importance were the paperwork and bureaucratic duties of attendance.

Her office staff of mostly parent volunteers functioned as caregivers by attempting to identify and provide for student needs in a timely and appropriate manner. Staff members frequently expressed their concern over why students did not attend certain classes. In some cases, this was related to scheduling problems where a student was enrolled in a class inappropriate to her or his ability or interest. Staff members might remedy the scheduling difficulty by directing the student to a counselor. Often students needed transportation.⁶ Many were tardy to school because they lived a considerable distance from Rivera and had to obtain free bus passes, which were made available through the attendance office. Given the orientation toward caregiving, staff members considered that students identified as tardy or truant were not to be punished; rather, they were to be accommodated and supported by the school system.

Individually, many teachers spoke of their role as caregivers where one's personal relationship with a student affected that student's education. One teacher described how he relates one-on-one to his students from his personal background. "I'm a product of the public school system. I grew up here. I know the law of the streets." Sharing his own life experiences, this teacher said, makes a difference because his life story is similar to those of his students.

Some faculty and staff lived in the neighborhood and knew the students' families, often having taught their parents at Rivera as well. This familiarity meant that teachers would eventually catch up with truants. As one teacher said, "I know you. Why did you run away? I'll catch up with you."

Those teachers who employ their own strategies to tackle attendance problems were viewed as "caring" by the dean of students. They were, in her estimation, "professional teachers" who "kids could identify that they cared." Teaching strategies employed to deal with attendance problems included offering student incentives, designating the truant by an identifier such as "Hallwalker" or "Skipper," and adding special activities such as pizza days or free time as incentives.

If administrators, teachers, and staff are caregivers, then it would follow that students are to be viewed as care recipients. The view connotes that students are in need of care, which in an impoverished, largely minority school district can be true but often considered patronizing. Many faculty and staff members spoke of the lack of care and concern on the part of the parents. Frequently noted was the difference in family values toward education, particularly among Hispanic families in the neighborhood. If parents don't care about their children, can the school assume that responsibility? Should the school be held accountable? Could the school do it all?

The intent of the second quadrant area is caregiving on the part of the administrators, teachers, and staff, with the recipients being the students at Rivera. An ethic of care highlights the personal nature of relationships in school, between students and teachers, students and administrators, teachers and administrators. Of lesser importance are the rules and regulations that govern the institution. According to Rivera's principal, you cannot counter mistreatment by instituting policies and rules. You must create alternatives and act professionally out of a sense of caring. Rather than emphasize rules and regulations, the intention to be caregiving allows for greater accommodation of individual student needs, with the responsibility placed on those faculty and staff most closely in touch with students.

In actual practice, the attendance office did try to provide for the student needs. At best, however, this was done on a "catch-as-catch-can" basis, with many repeat offenders cycling through the office. These "regulars" knew that there was a place for them in the attendance office, according to one parent volunteer. "They call me 'mom,' " was her frequent comment.

Attendance problems and truancy persisted with the failure to take any disciplinary action. Moreover, attendance office staff like the parent volunteers could not be held accountable because they were acting on behalf of the dean of students, which further aggravated those teachers who were in compliance. In the words of one teacher,

One of the words you're going to hear often is *frustration*. Our job is to give students something and to help them discover things. In my situation, our attendance of students is extremely poor. I failed half of the approximately 120 students I had this semester. That's stressful. Of those, between 95% and 98% failed because of absences, and that is frustrating. If I didn't care, then it wouldn't be stressful. But I'm the one who had the heart attack.

From the student perspective, many felt that they were not nurtured and supported in school. Some students cited teacher favoritism and vindictiveness present in Rivera.

It depends on what teacher it is. Some teachers favor somebody and you could come in tardy and they'll give you a hard time, whereas with somebody else, they don't say anything.

I might not get them today but I might get them tomorrow. You might see what they do tomorrow. A lot of teachers are like that.

An administrator concurred with this assessment, noting that those teachers who seemed to be unfair and unjust in their treatment of students could be identified. "Teachers can be vengeful and unjust, making a crusade out of their cause."

In summary, Rivera's attendance office aspired to be caregiving by providing services to students and minimizing the administrative paperwork. Although the intent was notable, the result was haphazard at best, leaving truancy problems unresolved and frustrating teachers as well as students. Teacher favoritism and bias could go unchecked.

Area 3—Not Care, Not Justice

The intent of this quadrant area is not specified. I do not believe that the members of Rivera intended that there be *no care* and *no justice* in their school. Rather, the principal, administrators, teachers, and staff voiced their desire to demonstrate care and concern for their students.

In actual practice, individuals did what they thought was needed, creating an atmosphere of leniency and adding to the inconsistencies. The attendance office handled disciplinary action in different ways for different students, partly because of a rationale ("Detentions work for some, and for some, it doesn't") and partly because of no time ("We don't have time to think around here. We're always having to react").

Different departments managed their own attendance monitoring and reporting. For example, the bilingual teachers did not ticket truants and chose to handle their own attendance matters. The same was true for the science department. By contrast, the math teachers followed the rules and regularly submitted tickets, phone notification cards, and attendance scan sheets.

Rivera members expressed the tensions and frustrations arising from a lack of either care or justice. The dean of students frequently expressed her frustration over the handling of student absenteeism, the low morale among the teachers, and the punitive tone expressed by the attendance committee in revising the school policy. Her perspective was that "teachers used attendance as a reason when discipline becomes a problem," suggesting that if teachers could not manage their classrooms, then they ticketed students more readily.

Similarly, many teachers expressed their frustration over the inconsistent actions. One teacher commented, "It was frustrating that the inconsistencies in attendance policies were overlooked, that there was a rift between teachers and administration, between counseling and attendance, that nothing was being done."

Inconsistencies included teachers making referrals and writing tickets but no administrative actions taken, violators treated inconsistently, and some teachers ignoring the attendance policy with no reprimands from the administration. Examples of teacher reflections were the following: "After writing four or five tickets (on the same student) with no response, then there's no point"; "Nothing is being done with those (students) with 5 or more days

absent.” Teachers objected to the inconsistencies between those who complete attendance reports and those who did not. One teacher said, “I wrote a kid for having 13 skips but when I checked the kid’s record, the other teachers hadn’t written any tickets for the kid even though he had skipped classes. Why such erratic behavior? Why don’t other teachers follow the policy?”

Students were also confused by these numerous inconsistencies in attendance. For example, when legitimately truant actions were ignored or not reported, students expressed concern for lack of care.

If they (school) cared enough, then they’d say, “Why aren’t you in class? Who sent you in here? Well, I’m going to check with them right now.” And they’d go and check and find out if this person is supposed to be here or not.

This school don’t really care. If you go to class, you go to class. If you don’t, you don’t.

Another student echoed the comment, saying, “Yeah, some teachers they care you come to class. Most of em don’t though.” Students viewed leniency on the part of teachers as displaying a no-care attitude. “Some teachers don’t really care. Some teachers are lenient. They just let you go. They don’t really care about it. Some teachers that are really strict will give you a ticket. And some of em don’t like teaching us.” Being too strict was equally problematic, as one student commented in objecting to a teacher’s method of dealing with tardiness: “We have some teachers if you’re tardy to school and you go to their class, they tell you to get out or stand up the whole hour or so.”

In summary, to some members Rivera appears neither caregiving nor justice seeking as individuals do their own thing. Failing to deal with the administrative responsibilities, the attendance office was viewed negatively. Inconsistencies in attendance reporting and handling frustrated many teachers and suggested a “no-care attitude” according to the students.

Area 4—Care and Justice

The intent of the fourth quadrant area is reconciliation of both ethics. As noted frequently, the members of Rivera gave voice to their concern for students, placing caregiving as a priority over regulation. But what of justice? Was there equal and consistent treatment for all concerned? Was there resolution of the opposition between the two ethics?

In actual practice, the members negotiated their roles and responsibilities, thus attempting to cope with their differences and resolve their tensions. The attendance office in its orientation to be student advocate could not be student prosecutor at the same time. In negotiating the dichotomy, the dean did

several things. First, she was frequently absent from the attendance office, leaving the decisions of detention and prosecution unattended. Second, she acknowledged teachers who were able to handle their own attendance and thereby not bother her office with having to do any detentions or punishments. Third, she frequently criticized the counselors for not being more responsive to student needs. "It shouldn't be me saying these things to the students. It should be the counselors."

Although some teachers voiced their frustrations about the inconsistencies in attendance and truancy matters, most dealt with it on their own terms and within their own classrooms. On one hand, this practice worked to allow flexibility and self-determination. In the words of an administrator, professional educators need to be allowed to do their own thing and given the support and supplies that they need: "Treat professionals professionally." Of utmost importance was that teachers need to feel supported by administration.

On the other hand, the handling of attendance problems by individual teachers added to the confusion and frustration among Rivera members. The teachers, especially those on the attendance committee, felt that the administration gave lip service but no support. There were rifts between the teachers and administration, and between the counselors and the attendance office. Inconsistencies in citing truancy and lenient action made the students feel that Rivera did not care about them. "They don't care about the student. They only care about themselves."

Most teachers and administrators recognized that attendance concerns involved the entire school. With only some teachers supporting the district attendance policy, it was doomed to fail.

There's no total school involvement in the procedures (referring to the attendance office work). Some teachers follow it and others ignore it.

We need to pull something together, do more than Band-Aid measures. We need to ask the parents, kids (about) what makes them attend.

You need me and I need you. It's more than the classroom. It's everyone's problem. If we're not capable of handling things here, then we can send the student to another agency. This school could be great.

Even Rivera students acknowledge that they had a role to play and responsibilities to share as members of the school. In a focus group discussion, one student commented, "It's on you and you're not hurting nobody but yourself. They shouldn't say nothing to nobody walking the hallway." But a second student disagreed: "No, it's both em, really. It's the students and the school."

In summary, although care and justice were desired at Rivera, the actual practice fell short of reconciliation. Members negotiated their roles, responsibilities, and relationships in the school, which was satisfying to some but frustrating to most. The outcome was perhaps lip service to notable values of caregiving and justice seeking, with individuals handling matters as they thought fit and many members frustrated over inconsistent actions.

DISCUSSION

By examining the data in each quadrant area, I found little to support the proposition that a reconciliation between the two ethics is possible. In the first area where the ethic of justice is emphasized, the attendance office members chose to orient themselves toward caregiving rather than being justice seeking. Consequently, there was little to sustain the notion that Rivera was rule oriented. In the second quadrant area where the ethic of caring is intentionally emphasized, there was evidence that school members, particularly the attendance office staff and some teachers, were caregiving, but justice was lacking as noted in reports of teacher favoritism and bias. Most of the findings occurred in Area 3 where neither ethic was present. Individual members acted on their own, providing care and justice ad hoc. In the fourth quadrant area, where the two ethics coexist with their competing demands reconciled, the findings suggest that members *negotiated* their roles and responsibilities, thus failing to *reconcile* care and justice satisfactorily.

Assuming that care and justice can be effectively reconciled, what must Rivera school members do to achieve that end? To begin answering this question, I return to the fundamental differences between each ethic. First in terms of domain, what is the appropriate domain of specifically the attendance office? Although it is oriented toward caregiving, it functions as a public domain that serves the needs of all students. As such, it must abide by certain rules and apply them consistently to those who are reported. The consequence of acting like a private domain in a public space is that preferential treatment and favoritism might occur, making for an unjust and uncaring outcome.

The second question on the nature of the attendance office highlights the orientation toward "kids first" and the charge of accommodating students in most need. How might the attendance office hold this orientation while fulfilling its obligation of reporting absentees and truants? The orientation and function need not be incompatible. Further, it might be useful for the entire school to be oriented toward "kids as priority." How might this orientation be accommodated? What activities might change if all school

members aligned in this manner? Answering these questions would affirm that schools are places of both heart and head, emotion and reason, care and justice.

Perhaps the more difficult challenges relate to operationalizing an ethical school. On what basis should ethical decisions be made? What should be taken into account? How should relationships, rights, or both be used to guide moral decision making? I believe each ethic has its blind spots. The ethic of justice based on the premise of "equal treatment under the law" would uphold the same attendance policy for everyone that would counter acts of inconsistency, mistreatment, and bigotry on the part of individuals. However, acting in the same manner might become rule driven, inflexible, and overly punitive with no room for error or unusual circumstance. If school members follow the rule book rather than listen to individual student concerns, they promote consistency but without compassion. In contrast, the ethic of care emphasizes the personal and individual nature of ethical decision making. It provides for school members to operate in a flexible manner with actions appropriate to persons and circumstances. The difficulty is that this approach might be too accommodating and too lenient, which was the case at Rivera. Students feel that they can get away with things because actions on the part of their teachers and administrators are inconsistent. They say that "if you tell a good story, you can get out of punishment." In attempting to provide care, teachers and staff are thus duped. Further, being too flexible and too easy on violators might not be appropriate in building an ethical community. Students need to take responsibility for their schooling. Being too lenient on them for attendance and truancy does not serve their learning.

The fourth difference between care and justice deals with the appropriateness of considering context in the deliberation of an ethical decision. A reconciliation of the two ethics must acknowledge the specific circumstance or setting; otherwise, general rules and principles have no meaning. For instance, decisions regarding attendance at Rivera take a second seat to the more pressing issues of gang warfare, drug busts, and street violence experienced inside and outside of school. During my research time at Rivera, there were several incidents of firebombing in the immediate vicinity, gang graffiti peppering the administration building, vandalism in the school parking lot, and fights in the adjacent public park. Given such incidents, Rivera's attendance matters do not seem as pressing or urgent. The administrators and staff are more likely to attend to immediate concerns like fights or violence than whether students attend class on time or choose to roam the halls. According to one administrator, "These kids face a lot of pressure, drugs, sex, gang threats. I'm going to fail so why come (to school) so they don't really give a damn. Even the school has no control over most of these issues." Some faculty

believed, as this administrator did, that the problems were too overwhelming. Some even advocated more clemency for truants because the students needed the break that their environment did not give them. However, it could be argued that the volatile inner-city neighborhood needs to be contrasted with a viable alternative that provides consistency, stability, and the possibility for nurturing human beings. Giving up on students in urban neighborhood schools is not an option for public school educators.

The last two differences, whether schools are oriented toward relationships or rights, should be considered from an integrationist perspective. That is, if the ethics of care and justice are to be reconciled and integrated, how might we include both a responsibility to others and a responsibility to rights? Taking each school member's role in Rivera, one could ask: "What are my responsibilities to others? What are my responsibilities toward maintaining the school policies and rules such as attendance?" Perhaps one's responsibilities might vary in different situations as, for example, when a teacher is in her classroom as different from when she is on hall duty. What are the conflicts that arise from these different situations? What are the conflicts between the different members in the school, for example, a counselor's role as contrasted with a teacher's role or an administrator's role?

To reconcile the two ethics of care and justice, all school members need to articulate a shared view of the ethics as appropriate to their school. Establishing a shared view or common vision would resolve the contradictions between philosophy and function as was evident in the attendance office. Although there was no evidence of this strategy occurring schoolwide at Rivera, there were numerous discussions concerning attendance problems and policies in the teachers' attendance committee meetings and in specific departments. These small-group discussions were useful mechanisms for sharing concerns and potentially resolving differences. There was interest on the part of students, teachers, administrators, and staff members to discuss and propose common solutions for the school as a whole. A public forum on care and justice with regard to school problems is necessary if all members are to be aligned in terms of what is important and valued in a successful school community. And such a public gathering must be conducted with the sanction and support of the administration.

Contrasting care and justice as theoretical constructs highlights the differences to consider in order to reconcile these two ethics in actual practice. However, as was indicated in the Rivera case, the tensions between the ethics can be difficult to successfully reconcile; rather, school members appeared to negotiate their roles, responsibilities, and relationships, handling problems individually as they thought fit. Overall, the lack of consistent action and shared vision delivered neither care nor justice for those at the school. By

returning to the fundamental differences between the two ethics and considering the goal of caregiving linked with operationalizing an ethical school, it is possible to reconcile rather than simply negotiate care and justice.

NOTES

1. To maintain confidentiality, the high school has been given the pseudonym, Rivera High School.
2. See Enomoto (1993) for details of the study.
3. Outcomes Accreditation Report, May 14-15, 1991, as cited in Enomoto (1993).
4. My initial contact with Rivera High came through an adjunct faculty member who had served on the accreditation committee and recommended that I support the school's efforts in attendance policy reform.
5. For further discussion of the semiotic analysis techniques, see Barley (1983), Feldman (1995), Greimas (1987), and Manning (1987).
6. Despite the fact that Rivera High was considered a neighborhood school that accommodated students within a 2-mile radius, many of its students took the city bus for transportation. The municipality entitled students free rides if they had a bus sticker affixed to their school identification cards.

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